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2 UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4 OAKLAND DIVISION  
5

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 vs.

9 LAL BATIA, et al.,

10 Defendants.  
11

Case No: CR 05-0334 SBA

**ORDER VACATING TRIAL SETTING**

12 On June 25, 2009, the Ninth Circuit issued an order staying the Mandate in this action  
13 pending resolution of Defendant Batia's Petition for Writ of Certiorari to the Supreme Court.  
14 (Docket 436.) In view of the stay order, Defendant Batia has filed a motion to vacate the trial  
15 setting conference currently scheduled for July 7, 2009. (Docket 438.) Because the Mandate has  
16 been stayed, the request to vacate to the trial setting conference set for July 7, 2009 is GRANTED.  
17 The Government shall notify the Court forthwith regarding any changes in the status of  
18 Defendant's Petition for Writ of Certiorari.

19 Defendant also requests the Court to order that he remain incarcerated at FCI Dublin until  
20 the trial setting conference is rescheduled so that he can work with his attorney on his appeals and  
21 motions. However, Defendant is in the custody of the Bureau of Prisons ("BOP"), and it is the  
22 BOP's decision, not the Court's, as to where the Defendant is incarcerated. Therefore, Defendant's  
23 request to remain at FCI Dublin is DENIED.

24 Defendant Steven Shelton's request to be excused from personally appearing in Court on  
25 July 7, 2009 (Docket 433) is DENIED as moot.

26 IT IS SO ORDERED.

27 Dated: July 6, 2009

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Hon. Sandra Brown Armstrong  
United States District Judge